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PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY
CLERK OF DISTRICT COURT
ANCHORAGE, AK

United States District Court		District of Alaska	
Name (under which you were convicted): ELIGAH BROKENSPIRIT CHRISTIAN		Case No.:	
Place of Confinement: Alaska Department of Corrections 3600 BETTE CATO AVE SEWARD, ALASKA 99664-9730		Prisoner No.: 501898	
Petitioner (include the name under which you were convicted) ELIGAH B. CHRISTIAN		Respondent (authorized person having custody of petitioner) v. CYDEED SNIFFEN, JR. ALASKA ATTORNEY GENERAL	

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:
**ALASKA COURT SYSTEM
THIRD JUDICIAL DISTRICT SUPERIOR COURT
824 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501-2004**
(b) Criminal docket or case number (if you know): **3AN-15-03511 CR**
2. (a) Date of the judgment of conviction (if you know): **7-27-2015**
(b) Date of sentencing: **7-24-2015**
3. Length of sentence: **(6) YEARS FLAT**
4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☒ No
5. Identify all crimes of which you were convicted and sentenced in this case:
**SCHEME TO DEFRAUD
ALASKA STATUTE 11.46.600(a)**
6. (a) What was your plea? (Check one)
☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

ONLY Plead GUILTY TO COUNT (1) Scheme TO Defraud.
All OTHER COUNTS DISMISSED.

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☒ No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court? ☐ Yes ☒ No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

(4) Date of result (if you know):

(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: ANCHORAGE (STATE OF ALASKA)
(2) Docket or case number (if you know): 3AN-15-09357CI
(3) Date of filing (if you know): 8-25-2015; 11-1-2016 AMENDED APPLICATION.
(4) Nature of the proceeding: POST CONVICTION RELIEF
(5) Grounds raised: INEFFECTIVE ASSISTANCE OF COUNSEL, 2
DOUBLE JEOPARDY SENTENCE TO 3AN-15-3511CR,
INVOLUNTARY AND UNKNOWN ENTRY TO PLEA
AGREEMENT DUE TO MENTAL HEALTH.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☒ Yes ☐ No

(7) Result: DISMISSED AS AS CONCLUSIVE TO 3PA-16-01034CI

(8) Date of result (if you know): 5-21-2018

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: ALASKA COURT OF APPEALS

(2) Docket or case number (if you know): A-13184

(3) Date of filing (if you know): 10-8-2019

(4) Nature of the proceeding: APPEAL OF DISMISSAL OF PCR FROM TRIAL COURT

(5) Grounds raised: APPEAL OF DISMISSAL OF POST CONVICTION RELIEF FOR INEFFECTIVE ASSISTANCE OF COUNSEL AND INVOLUNTARY AND UNKNOWING PLEA DUE TO MENTAL HEALTH IN TRIAL COURT 3AN-15-03511CR.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☒ Yes ☐ No

(7) Result: SUMMARY DISPOSITION

(8) Date of result (if you know): 8-19-2020

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: ALASKA SUPREME COURT

(2) Docket or case number (if you know): S-17894

(3) Date of filing (if you know): 9-21-2020

(4) Nature of the proceeding: PETITION FOR HEARING

(5) Grounds raised: RELIEF FROM DISMISSAL OF SUMMARY DISPOSITION FROM COURT OF APPEALS.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☒ Yes ☐ No

(7) Result: *PETITION FOR HEARING DENIED.*

(8) Date of result (if you know): *10-28-2020*

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No

(2) Second petition: ☒ Yes ☐ No

(3) Third petition: ☒ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

YES, ALASKA SUPREME COURT.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DOUBLE JEOPARDY SENTENCE. I WAS BEING TRIED FOR THE SAME CRIME "SCHEME TO DEFRAUD" IN TWO SEPARATE TRIAL COURTS FOR STATE OF ALASKA, IN THE SAME JUDICIAL THIRD DISTRICT FOR ANCHORAGE (3AN-15-03511CR) AND PALMER (3PA-15-01170CR) THAT HAPPENED IN SAME CRIME SPREE BETWEEN JANUARY 26TH THRU MARCH 24TH 2015.

(b) If you did not exhaust your state remedies on Ground One, explain why:

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF

Name and location of the court where the motion or petition was filed:

ANCHORAGE TRIAL COURT
825 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501

Docket or case number (if you know):

3AN-15-09357CI

Date of the court's decision:

5-21-2018

Result (attach a copy of the court's opinion or order, if available):

ATTACHED

(3) Did you receive a hearing on your motion or petition?

☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

ALASKA COURT OF APPEALS
303 K STREET
ANCHORAGE, ALASKA 99501

Docket or case number (if you know):

A-13184

Date of the court's decision:

8-19-2020

Result (attach a copy of the court's opinion or order, if available):

SUMMARY DISPOSITION

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

INEFFECTIVE ASSISTANCE OF COUNSEL, I wanted MY TRIAL ATTORNEY BRITTNEY GOODNIGHT OF ANCHORAGE ALASKA PUBLIC DEFENDER AGENCY, TO JOIN PALMER AND ANCHORAGE CASE, ATTORNEY CLAIMED I ASKED HER NOT TO. THIS IS NOT TRUE, I ALSO WANTED A COMPETENCY HEARING, AND ATTORNEY REFUSED TO PETITION COURT, AT SENTENCING I WANTED TO PLEAD GUILTY BUT MENTALLY I'LL BUT ATTORNEY WOULD NOT LET ME. ON DATE OF SENTENCING I WAS MAJIC AND PARANOID AND HAD SEVERAL "DEAD" RELATIVES COACHING ME. I WAS SCARED AND RUSHED THRU PROCESS. ATTORNEY TOLD ME TO TALK TO MENTAL HEALTH AT DOC. DOC HAS REFUSED TO PROVIDE ANY TREATMENT SINCE DATE OF ARREST.

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

APPEAL ATTORNEY OLGA DAVIS RAISED MENTAL HEALTH IN PCR.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF

Name and location of the court where the motion or petition was filed:

ANCHORAGE TRIAL COURT
825 WEST 4TH AVENUE
ANCHORAGE, ALASKA 99501

Docket or case number (if you know):

3AN-15-09357CI

Date of the court's decision:

5-21-2018

Result (attach a copy of the court's opinion or order, if available):

ATTACHED

- (3) Did you receive a hearing on your motion or petition? ☒ Yes ☐ No
- (4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No
- (5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No
- (6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

ALASKA COURT OF APPEALS
303 K STREET
ANCHORAGE, ALASKA 99501

Docket or case number (if you know):

A-13184

Date of the court's decision:

8-19-2020

Result (attach a copy of the court's opinion or order, if available):

SUMMARY DISPOSITION

- (7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :
have used to exhaust your state remedies on Ground Two

GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

INVOLUNTARY AND UNKNOWING ENTRY INTO A GUILTY
PLEA AGREEMENT DUE TO ACTIVE MENTAL HEALTH ILLNESS
AND TRIAL ATTORNEY INEFFECTIVE ASSISTANCE TO OBTAIN
COMPETENCY HEARING OR ALLOW PETITIONER TO PLEAD GUILTY
BUT MENTALLY ILL.

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

ATTORNEY DID NOT FILE AN APPEAL. I WAS NOT MENTALLY COMPETENT TO KNOW HOW TO FILE APPEAL.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST CONVICTION RELIEF

Name and location of the court where the motion or petition was filed:

ANCHORAGE ALASKA STATE TRIAL COURT

Docket or case number (if you know): 3AN-15-09357CI

Date of the court's decision: 5-21-2018

Result (attach a copy of the court's opinion or order, if available):

SUMMARY DISPOSITION

(3) Did you receive a hearing on your motion or petition? ☒ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

ALASKA COURT OF APPEALS
303 K STREET
ANCHORAGE, ALASKA 99501

Docket or case number (if you know):

A-13184
Date of the court's decision:

8-19-2020
Result (attach a copy of the court's opinion or order, if available):

SUMMARY DISPOSITION

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON DATE OF SENTENCING FOR TRIAL CASE #
3AW-15-03511CR IN ANCHORAGE. ON JUDGEMENT OF COURT
BY JUDGE MICHAEL SPAW ON PAGE (52) DATED 7-24-15.
AT REQUEST OF MY PUBLIC DEFENDER BRITNEY GOODNIGHT.
IT HAS A HAND WRITTEN ORDER UNDER OTHER ORDERS [I]
FOR A MENTAL HEALTH EVALUATION WHEN IN CUSTODY.
PETITIONER BELIEVES THIS WAS NEVER COMPLETED BY ALASKA
DEPARTMENT OF CORRECTIONS. FURTHERMORE ALASKA DOC HAS
CONSISTENTLY REFUSED PETITIONER DOC IN CUSTODY CASE MANAGEMENT,
AND INDIVIDUAL COUNSELING AND HOUSING IN DOC MENTAL HEALTH
LIVE IN RESIDENTIAL TREATMENT MODS. AND ONLY PROVIDED CRISIS INTERVIEWS.

- (b) If you did not exhaust your state remedies on Ground Four, explain why:

PETITIONER THOUGHT IT WAS COVERED BY APPEAL (PCR) ATTORNEY
IN BRIEFS TO COURTS.

- (c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

PCR APPEAL ATTORNEY OLGA DAVIS ONLY MENTIONS PETITIONER'S
MENTAL HEALTH. NOT SENTENCING COURT ORDER. PETITIONER ONLY
LEARNED THIS WHILE PREPARING THIS HABEAS CORPUS PAPERWORK.

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Anchorage Civil Court (PCR)

Docket or case number (if you know): 3AN-15-09357GE

Date of the court's decision: 5-21-2018

Result (attach a copy of the court's opinion or order, if available):

Attached - Summary Judgment

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

I Belived ASSIGNED Appeal ATTORNEY WAS SUPPOSE TO,
I DO NOT UNDERSTAND LEGAL PROCESSES.

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

I AM NOT SURE, NEED ATTORNEY'S HELP.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

ANCHORAGE AND PALMER ALASKA CIVIL TRIAL COURTS CHALLENGING DOUBLE JEOPARDY, MANDATORY PAROLE. HAVE NOT RECEIVED CASE #'S BACK YET. FILED WITH COURTS ON 11-4-2020 FOR PALMER ALASKA, AND 11-2-2020 FOR ANCHORAGE. I ALSO HAVE A OPEN POST CONVICTION RELIEF CASE IN PALMER ALASKA, THAT ALASKA COURT OF APPEALS # A-13069 RETURNED TO PALMER COURT 3PA-16-01034 CE FOR FURTHER PROCEEDINGS, THAT ALSO CHALLENGES DOUBLE JEOPARDY AND INEFFECTIVE ASSISTANCE OF COUNSEL,

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

BRITTNEY GOODMIGHT
ANCHORAGE, ALASKA PUBLIC DEFENDER
900 W. 5TH AVE, STE 200 ANCHORAGE, AK 99501

(b) At arraignment and plea:

BRITTNEY GOODMIGHT

(c) At trial:

NO TRIAL

(d) At sentencing:

BRITTNEY GOODMIGHT

(e) On appeal:

NONE

(f) In any post-conviction proceeding:

OLENA K. DAVIS
120 WEST 11TH AVENUE
ANCHORAGE, ALASKA 99501

(g) On appeal from any ruling against you in a post-conviction proceeding:

OLENA K. DAVIS

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

I am at time served on this case which is 3AN-15-0351CR,
I am now serving time on what I feel is PAVNE Double Verdict
3PA-15-00974CR And 3PA-15-01170CR

(b) Give the date the other sentence was imposed: 11-23-2015

(c) Give the length of the other sentence: (3) + (6) YEARS

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

The Alaska Supreme Court made Final Ruling
ON 10-28-2020. SO THIS MEETS THE (1) YEAR
FILING DEADLINE OF 28 U.S.C. 2244(d)
FOR THIS FILED habeas CORPUS under 28
U.S.C. 2254.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: *VACATE illegal Sentence OR Scheme to Defraud Case 3AV-15-03511 CR; Be RW concurrent with 3PA-15-01170 CR with Credit for Time Served 4-24-2015 to Current; AS IN JUNCTIVE Relief; And Declaratory Relief by Court as Petitioner DID NOT Receive Effective Assistance of Counsel For Due Process and Constitutional Rights Based on Disabilities, And Double Jeopardy Sentences For Same Crimes.*
or any other relief to which petitioner may be entitled.

The Alaska Department of Corrections 'who Has Refused To Date' Provide The Petitioner Individualized Case Management And Counseling and Rehabilitative Care For Physical And mental Disabilities.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on _____ (date).

Liliah B. Chu *11-11-2020*

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.